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16 [Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 **FEDERAL TRADE COMMISSION,**

21 Plaintiff,

22 v.

23 **MICROSOFT CORP.,**

24 and

25 **ACTIVISION BLIZZARD, INC.,**

26 Defendants.

27 Case No. 3:23-cv-02880

28 **STATEMENT IDENTIFYING
WITNESSES AND EXHIBITS TO BE
USED JUNE 28, 2023**

29 Pursuant to the Court's Order Following June 21, 2023 Status Conference (Dkt. 170),
30 Plaintiff Federal Trade Commission respectfully submits this statement identifying the witnesses
31 to be called on June 28, 2023 and the exhibits Plaintiff intends to use with the witnesses.

32 Plaintiff intends to call Jeff Fisher (by video deposition designation) and Satya Nadella.
33 Defendants have stated their intent to resume the examination of Elizabeth Bailey and call

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1 Robert Kotick. Listed below are the exhibits Plaintiff intends to use with Mr. Fisher and Mr.
 2 Nadella, and the exhibits Plaintiff may use on cross with Dr. Bailey and Mr. Kotick.
 3 Exhibits Plaintiff intends to use with Mr. Fisher:

Exhibit No.	In camera treatment requested (if any)	Used in
PX7062	Redactions requested; ECF No. 161 at 4	ECF No. 175

7
 8 Exhibits Plaintiff intends to use with Mr. Nadella:
 9

Exhibit No.	In camera treatment requested (if any)	Used in
PX7010	Redactions requested; Investigational Hearing Transcript	
PX7036	Redactions requested; Deposition Transcript	
PX1260	In camera treatment requested; ECF No. 150 at 11	
PX1274		
PX1746	Redactions requested; ECF No. 150 at 23	
PX1747	Redactions requested; ECF No. 150 at 23	
PX1750	In camera treatment requested; ECF No. 150 at 23	
PX1751	In camera treatment requested; ECF No. 150 at 23	
PX1777	In camera treatment requested; ECF No. 150 at 26	
PX4057	Redactions requested; ECF No. 150 at 19	
PX4066		

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1	PX9084	
2	PX9102	
3	PX9015	
4	PX9012	

5 Defendants are calling Activision's Robert Kotick. Plaintiff may use the following documents
 6 during cross of Mr. Kotick:

8	Exhibit No.	In camera treatment requested (if any)	Used in
9	PX7006	Redactions requested	
10	PX7035	Redactions requested	
11	PX2056		
12	PX2133	In camera treatment requested; ECF No. 148 at 7	
13	PX9165		
14	PX9178		
15	PX9441		
16	PX2107	In camera treatment requested; ECF No. 148 at 6	
17	PX9451		
18	PX9448		
19	PX2421	Redactions requested; ECF No. 148 at 16	
20	PX4743		
21	PX2282	ECF No. 148 at 13	
22	PX9413		
23	PX9131		

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PX9033		
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Defendants are calling Dr. Elizabeth Bailey. Plaintiff may use the following documents during cross of Dr. Bailey:

Exhibit No.	In camera treatment requested (if any)	Used in
PX5002		
PX2355		
PX2448		
PX2460		
PX2447		
PX2452		
PX2454		
PX2456		
PX2462		
PX2463		
PX2464		
PX2465		
PX2471		
PX7000		
PX7001		
PX7002		ECF No. 175
PX7003		ECF No. 175
PX7004		ECF No. 175
PX7005		ECF No. 175
PX7006		ECF No. 175
PX7007		ECF No. 175

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1	PX7008	ECF No. 175
2	PX7009	
3	PX7010	ECF No. 175
4	PX7011	ECF No. 175
5	PX7012	
6	PX7014	ECF No. 175

7
8 DATED: June 27, 2023

/s/ James H. Weingarten

9 James H. Weingarten
10 Peggy Bayer Femenella
11 James Abell
12 Cem Akleman
13 J. Alexander Ansaldo
14 Michael T. Blevins
15 Amanda L. Butler
16 Nicole Callan
17 Maria Cirincione
18 Kassandra DiPietro
19 Jennifer Fleury
20 Michael A. Franchak
21 James Gossmann
22 Ethan Gurwitz
23 Meredith R. Levert
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35 Commission*

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